IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

Crl.MC.No. 2244 of 2003(A)

PETITIONER:

KOTAK MOHINDRA PRIMUS LTD., REPRESENTED
BY CALICUT BRANCH MANAGER, NOOR COMPLEX,
I.G.ROAD, CALICUT-4

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:

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1. P.P.SOOPY HAJI S/O. AMMED,
PANAYULLA PARAMBATH, KAVILUMPARA P.O.,
THOTTILPALAM, KOZHIKODE DISTRICT

2. ABDUL NAZAR, AGED 33 YEARS,
NANMINDA P.O., CALICUT.

3. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM

4. S.I OF POLICE,
FEROKE POLICE STATION.

BY ADV. SRI.SIVAN MADATHIL
SRI. GIKKU JACOB, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 22/11/2006,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.M.C.NO.2244 of 2003-A

DATED THIS THE 22nd DAY OF NOVEMBER 2006

ORDER

The petitioner, is the de facto complainant in Crime No.253/2002 of Feroke Police Station with respect to the offences under Sections 392, 506(ii) and 120B read with Section 34 of the Indian Penal Code, has sought for getting cancelled the anticipatory bail granted to respondents 1 and 2/accused. It is pointed out that the petitioner who was the financier has repossessed the vehicle on account of non-payment of the amounts due. Subsequently in the midnight on 30-10-2002, the accused trespassed into the residential premises of one Shijil where the vehicle was kept and removed the same by force and on account of the order of the anticipatory bail granted, the accused could not be arrested and the vehicle could not be recovered. It is submitted that substantial amounts are due.

2. At the time of hearing, counsel has confined his plea for a direction to the investigating officer to complete the investigation and file the final report at the earliest. In the

circumstances, the 4th respondent, Sub Inspector of Police, Feroke police station is directed to complete the investigation and file the charge sheet, if not already filed, at the earliest, at any rate within three months from the date of receipt of a copy of this order. The Crl.M.C.is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

CR.M.C.NO.2244/2003

ORDER

22-11-2006